



Attorney General

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Robert E. Corbin

February 6, 1989

Alicia Bristow  
Executive Director  
Commission on the Arizona Environment  
1645 West Jefferson  
Suite 416  
Phoenix, Arizona 85007

Re: 189-013 (R88-137)

Dear Ms. Bristow:

You have asked whether Arizona Constitution article XXVIII will impact the production of Spanish public service announcements ("PSA's") which the Commission on the Arizona Environment ("Commission") plans to facilitate.<sup>1/</sup> Following the principles set forth in Ariz. Att'y Gen. Op. 189-009, we conclude that article XXVIII does not prohibit the production of these PSA's in Spanish.

In that Opinion, we concluded:

[T]he provision of Section 3(1)(a) [of Article XXVIII], "This state and all political subdivisions of this state shall act in English and in no other language," means that official acts of government as government shall be in English as the State's official language. It does not mean that languages other than English cannot be used when reasonable to facilitate the day-to-day operation of government.

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<sup>1/</sup>you state that the PSA's "will feature legislators encouraging the hispanic community to become involved in conservation projects and promote awareness to environmental issues, especially at the local level."

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The PSA's your Commission plans to facilitate are not in the nature of official acts of government as government.

In addition, we indicated in Ariz. Att'y Gen. Op. 189-009 that a legislator speaking to constituents (the format you describe as planned for the Commission's PSA's) may have a federal first amendment right to speak to those constituents in a chosen way deemed to be effective. See Garrison v. State of Louisiana, 379 U.S. 64 (1964) (elected official has first amendment protection for statements made in the conduct of official's office); Reeves v. McConn, 631 F.2d 377 (5th Cir. 1980) (first amendment right of expression includes right to communicate by most effective means.) Article XVIII does not prevent the Commission from facilitating legislators to communicate with constituents in Spanish if Spanish is deemed effective for the purpose.

Sincerely,

*Bob Corbin*

BOB CORBIN  
Attorney General

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